

BOARD OF SUPERVISORS PUBLIC HEARING

SUBJECT: ZCPA-2012-0003, Goose Creek Preserve

ELECTION DISTRICT: Blue Ridge

CRITICAL ACTION DATE: April 10, 2013

STAFF CONTACTS: Jane McCarter, AICP, Department of Planning
Julie Pastor, AICP, Director, Department of Planning

APPLICANT: Richard J. Dengler, VP, Land Division
Brookfield Goose Creek Preserve LLC

PURPOSE: The purpose of this application is to change the residential unit type and/or design throughout Landbay IV of Goose Creek Preserve. The application will amend the concept plan and proffers approved with ZMAP 2002-0009, Goose Creek Preserve. Two modifications previously approved with ZMAP 2002-0009 have also been requested regarding front yard width reductions and a removal of the internal buffer between certain landbays. The proposal does not change the approved density in the PD-H4 (Planned Development-Housing) zoning district. The proffers under review would amend the proffers and the concept development plan approved with ZMAP 2002-0009.

RECOMMENDATIONS: On December 19, 2012, the **Planning Commission** forwarded the Zoning Concept Plan Amendment application to the Board of Supervisors with a recommendation of approval (5-3-1, Klancher, Ruedisueli, and Syska—opposed; Douglas—absent), subject to the Proffer Statement dated December 2012 as amended at the January 8, 2013 Planning Commission worksession, and based on the Findings included on Page 7 of this Staff Report.

Staff recommends denial of the application. The proposal has three outstanding issues: (1) design/unit type; and fails to address (2) appropriate Capital Facilities Contribution, and (3) Unmet Housing Needs consistent with the single-family attached unit type. The proposed land use is consistent with the land use policies of the Revised General Plan, (Suburban Policy Area (Ashburn Community)) which designates the subject property for Residential uses.

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DRAFT MOTIONS:

1. I move that the Board of Supervisors forward ZCPA-2012-0003, Goose Creek Preserve, to the April 12, 2013 **Transportation and Land Use Committee** for further discussion. A timeline extension will be needed from the Applicant.

OR

2. I move that the Board of Supervisors forward ZCPA-2012-0003, Goose Creek Preserve, to the May 1, 2013 **Business Meeting** for action. A timeline extension will be needed from the Applicant.

OR

3. I move an alternate motion.

I. APPLICATION INFORMATION				
APPLICANT Brookfield Goose Creek Preserve LLC Richard J. Dengler, Vice President, Land Division 703.270.1400		REPRESENTATIVES Bowman Consulting Group Packie E. Crown, Principal/Senior Planner pcrown@bowmancg.com		
REQUEST An application to amend the concept plan and proffers approved with ZMAP-2002-0009, Goose Creek Preserve, in order to revise the design of 64 multi-family dwelling units, and revise proffered open space and recreational amenities, with no resulting change in density, for a 4.49 acre portion of Land Bay IV in the PD-H4 (Planned Development-Housing), zoning district and administered in accordance with ADU R-8 provisions of the <u>Revised 1993 Zoning Ordinance</u> . The subject property is also located partially within the FOD (Floodplain Overlay District). The Applicant is also requesting modifications of Zoning Ordinance (ZO) sections as follows:				
ZO §4-110(I)(2) Site Planning Internal Relationships, Uses adjacent to single-family, agricultural, or residential districts or land bays allowing residential uses		Eliminate the 50-foot wide common open space buffer with a Type 2 Buffer Yard between certain internal multi-family and single-family attached and single-family detached residential landbays.		
ZO §7-803(C)(3)(a) Yards, Multi-family structures, Front		Reduce the minimum front yard from 20 feet to 10 feet.		
PARCELS				
PIN#	Tax Map Number	Address	Application(s)	Acres
154-37-0101	/78/////////7/	21167 Belmont Ridge Road Ashburn, VA	ZCPA-2012-0003	4.49
ACCEPTANCE DATE April 6, 2012		LOCATION South of Dulles Greenway (Route 267), on the west side of Belmont Ridge Road (Route 659), and north of the intersection with Broadlands Boulevard (Route 640) and Polen Farm Boulevard which is the entrance road to the Goose Creek Preserve community.		
ZONING ORDINANCE Revised 1993		EXISTING ZONING PD-H4 (Residential)		
POLICY AREA Suburban Policy Area (Ashburn Community)		PLANNED LAND USE Residential uses at a density of up to 4.0 dwelling units per acre.		

II. PLANNING COMMISSION REVIEW AND FINDINGS

The Planning Commission held a Public Hearing on the Goose Creek Preserve (GCP) application on December 19, 2012. At the Public Hearing, two members of the public spoke regarding the application. The speakers expressed concern regarding the zoning modifications reducing the yards and separations between landbays, and the capital facilities impacts contributions.

The Planning Commission discussed the capital facilities impact and specifically the issue of the type of residential unit being proposed. To allow for further discussion, the Commission voted 8-1 (Dunn opposed) to forward the application to worksession on January 8, 2013.

At the worksession discussion focused upon the Zoning Ordinance definitions of “Dwelling, Multi-Family”, “Dwelling, Single-Family Attached” and “Dwelling, Townhouse”¹. Specifically, is the proposed unit design a Multi-family (MF) or Townhouse (TH) unit as defined by the Revised 1993 Zoning Ordinance? Additionally the proposal introduces a different residential product type to the project with a greater impact than anticipated in the original rezoning due to the difference in the unit type (as a townhouse) and policy updates to the Capital Intensity Factor (CIF). The proposed capital facilities contribution for single-family attached units based on the 2004 CIF does not meet County policies. Staff finds that the unit type design meets the definition of a townhouse and should be subject to the 2009 CIF of \$40,385 per unit.

The Applicant asserted this application has no rational nexus to request additional capital facilities contributions because the unit type is not changing. Some Commissioners stated the Applicant’s design would be reaching a broader spectrum of purchasers and that broader spectrum may include a greater number of children with a greater impact to public services such as schools, libraries and parks.

The Applicant asserted that, per the definitions of the Zoning Ordinance, if one purchases the land, the unit type is a townhouse, and if one does not purchase the land the unit type is a multi-family. Staff disagreed, noting the Zoning Ordinance definition of townhouse specifically does not require each unit or building to have its own separate lot, and referred to previous zoning interpretations and comment from the County Attorney. Staff clarified that the County disagrees with the Applicant’s assertion and noted this

¹**Dwelling, Multi-Family:** A building containing five or more dwelling units not having a separate lot.

Dwelling, Single-Family Attached: A duplex, triplex, quadruplex, or townhouse dwelling unit.

- *Duplex is defined as “One of two buildings... with each building having a separate lot”;*
- *Triplex is defined as “One of three (3) buildings... with each building having a separate lot”;*
- *Quadruplex is defined as “One of Four (4) buildings... with each building having a separate lot”.*

Dwelling, Townhouse: One of a group of three or more attached single-family dwelling units, separated from each other by continuous vertical party walls without openings for human passage or visibility from basement floor to roof, with no dwelling unit directly above another, and each unit having separate entrances from the outside.

determination has been supported through the Board of Zoning Appeals (APPL-2010-0013 Broadlands South Section 200, Phase 1). The applicant has proposed a design feature that allows for the dwelling to be entered from the outside via a common door at the front entrance of every two units. This architectural design approach is otherwise acceptable, however, the dwelling units are still townhouses. Townhomes are defined in part, as a group of dwellings with separate entrances from the outside, the ordinance does not denote that they have to be front entrances. Therefore, because the proposed dwellings have separate rear entrances via doorways and garages, do not have dwelling units located above and have continuous party walls they are townhomes.

The Applicant asserted that, while the revised design incorporates townhouse elements, it continues to be a multi-family product because (a) at least 2 units share an entrance to the outside; (b) 5 units are located on one parcel; and (c) a portion of one unit has a vertical overlap with an adjoining unit. The Staff review of the dwelling type design meets the townhouse definition such that each unit has a separate entrance to the outside (to the rear of the unit in addition to individual garage doors). Each unit functionally has vertical party walls, despite the small portion of each unit that has a slight two-foot overlap section which is located on the ground floor. The units are constructed as groups of units typical of townhouse construction.

The Planning Commission noted the definitions of the Zoning Ordinance did not specifically require an overlap in the definition of MF units, but did state the SFA townhouse definition precluded this overlap of living space with no dwelling unit directly above another.

The Planning Commission sought further clarification of the distinction between multi-family and townhouse with regard to number of bedrooms or maximum square feet in determining how capital facilities contributions were determined. Staff explained the capital facilities impact is determined by the Board of Supervisors Fiscal Impact Committee and that the number of bedrooms or unit square footage is not a determinant of this Capital Intensity Factor.

The Planning Commission discussed with Staff that if the Board of Supervisors approves the application as multi-family, issuance of zoning permits would be withheld as the Zoning Administrator has determined this unit type to be townhouses, and the approved proffers limit the number of townhouses to 42 units.

A motion was made to forward the application to the Board of Supervisors with a recommendation of denial. The motion failed 3-5-1 (Klancher, Ruedisueli, Syska – Yes; Blackburn, Dunn, Ryan, Salmon, Scheel – No; Douglas absent for the vote).

The Planning Commission adjusted the findings for approval and voted to forward the Zoning Concept Plan Amendment application to the Board of Supervisors with a recommendation of approval (5-3-1, Blackburn, Dunn, Ryan, Salmon, Scheel – Yes; Klancher, Ruedisueli, Syska – No; Douglas – Absent for the vote), subject to the Proffer Statement dated December 2012 as amended at the January 8, 2013 Planning

Commission worksession, and based on the Findings for Approval contained in this staff report. Some Commissioners expressed concern that this approach would encourage requests for the same interpretation resulting in increased costs to existing taxpayers to support new development with lesser capital facilities contributions.

The Planning Commission voted 7-0-2 (Dunn and Douglas absent) to recommend that the Board of Supervisors amend the Zoning Ordinance definitions to more clearly define MF, SFA, and townhouse dwelling. Specifically, the Commission viewed the similarities in the definitions of multi-family units, single-family attached units, and townhouses to be confusing. The Commission also recommended that the Board examine the Capital Intensity Factor for alternative means of distinguishing between different dwellings to avoid the confusion between dwelling types.

As noted in the Planning Commission 2009 Annual Report, and reaffirmed in 2010, the Planning Commission continues to recommend changes to the Zoning Ordinance definition of multi-family dwelling after finding the current definition fails to accommodate innovative design concepts. More recently, the issue of urban versus suburban multifamily units was raised in the context of fiscal impacts. The Route 28 CPAM policies assume that higher density units produce fewer children than garden style, more suburban, apartments. Changes to the zoning ordinance definitions would help encourage innovative design and set standards that allow a distinction between types of multifamily units.

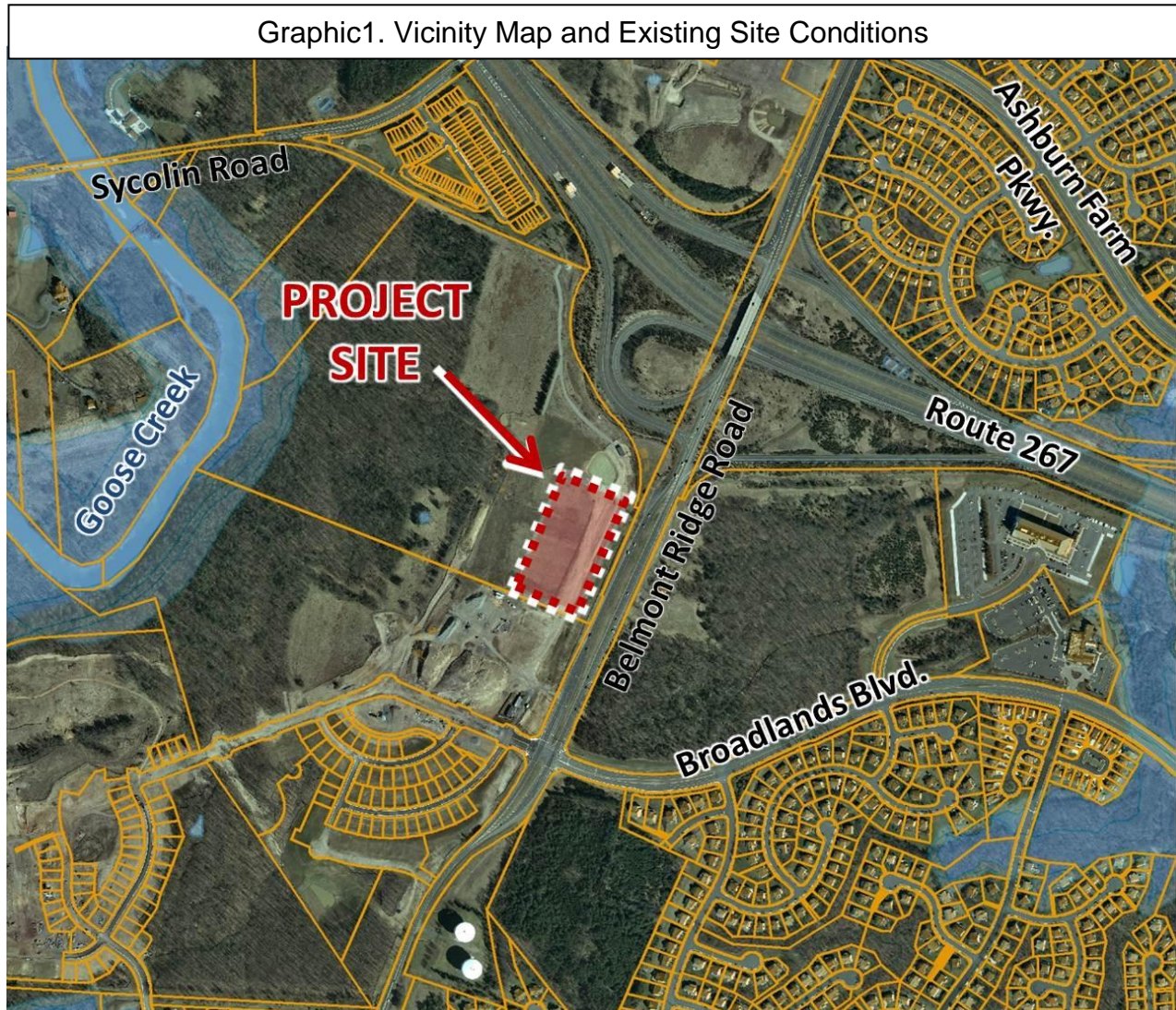
Planning Commission Findings for Approval

1. The proposed land use is consistent with the land use policies of the Revised General Plan, which designates the subject property for Residential uses.
2. The modification of Revised 1993 Zoning Ordinance Sections 4-110(I)(2) and 7-803(C)(3)(a) exceeds the public purpose by incorporating modifications that would allow for a compatible design to the surrounding residential community.
3. The proposed unit type does not result in an increase in residential density.

III. CONTEXT

Location/Site Access – The site is located on a 4.49 acre portion of the Goose Creek Village Landbay IV, along the western side of Belmont Ridge Road (Route 659), and south of and adjacent to the Dulles Greenway (Route 267). Access to the site is proposed with Polen Farm Boulevard at a signalized intersection with Broadlands Boulevard (Route 640) and Belmont Ridge Road. Belmont Ridge Road is currently classified as a major collector currently built as a four lane divided controlled access urban collector (U4M) with a 45 mph posted speed limit in the vicinity of the site. It includes traffic signals at the Ashburn Farm Parkway and Truro Parish Drive intersections. Based on the latest (2010) traffic count data from VDOT, the segment of Belmont Ridge Road (Route 659) in the vicinity of the site carries 8,600 daily vehicle trips.

Existing Conditions –Subsequent to approval of ZMAP 2002-0009, and as observed on recent site visits, the property has been mass graded and is under development in accordance with the approved subdivision, construction and site plans (*see Graphic 1 below*). Currently the site has erosion and sediment controls in place with a temporary access from Belmont Ridge Road and Polen Farm Boulevard to the sales trailer.



Directions: From Leesburg, take the Dulles Greenway (Route 267) east to Exit 4 (Belmont Ridge Road – Route 659). At the end of the ramp turn right onto Route 659 south. Goose Creek Preserve is immediately on the right (west) side of Route 659 at 21167 Belmont Ridge Road.

The western half of the Goose Creek Preserve site is environmentally sensitive and is characterized by forested areas, major floodplain, steep slopes, and wetlands. The subject property is located within the Goose Creek watershed and ultimately drains to the Potomac River. The portion of the site under consideration with this application is east of, and outside, these environmentally sensitive areas. There are no airport noise contours affecting the property.

Surrounding Properties – Single-family detached residential properties are situated along Belmont Ridge Road to the east. Broadlands is located immediately east of the property. The Broadlands portion north of Broadlands Boulevard remains vacant, and is approved for office uses per the concept development plan of Broadlands. Ashburn Farm is east of the property and north of the Dulles Greenway. Ashburn Farm Section 7 is a PD-H4 community that has completed construction as single-family detached units. Goose Creek Village North and South are located to the north of this property and currently are under construction as PD-H4 and PD-OP communities. Goose Creek Village North includes a village center located at the intersection of Sycolin Road and Belmont Ridge Road. Belmont Glen Village (ZCPA-2009-0007) is currently under construction to the south and west of Goose Creek Preserve. To the west of the property is Goose Creek. Abutting the northwest corner of Goose Creek Preserve and extending to Sycolin Road are two R-1 parcels that remain vacant.

IV. PROPOSAL

PROPOSAL

The Applicant requests approval of a **Concept Plan Amendment** to amend the concept plan and proffers approved with ZMAP-2002-0009, Goose Creek Preserve. The purpose of the Concept Plan Amendment is to implement a design change of 64 multi-family (town over town) units on a 4.49 acre portion of this rezoning. Revisions to open space and recreational amenities are also requested. Specifically the Concept Development Plan changes would 1) Permit the redesign of the currently proffered 64 multi-family town over town units (MF) to an alternative design for multi-family units; and to 2) Revise the open space and recreational amenities to include a 0.20 acre reduction in the size of a community green within Landbay IV.

The Applicant also seeks approval of **Zoning Modification Requests** approved with the initial rezoning and included again to ensure the approved modifications are applicable to the zoning concept development plan area. The two applicable modifications are:

- To eliminate the 50 foot Type 2 buffer requirement between internal single-family attached and multi-family residential landbays.
- To reduce the minimum front yard from 20 feet to 10 feet.

BACKGROUND

The Goose Creek Preserve was approved by the Board of Supervisors July 6, 2004 for the rezoning of 164 acres to a PD-H4 mixed use residential community with 500 dwellings at a density of approximately 3.06 dwelling units per acre. No changes to the zoning or density are proposed. Approved uses, in addition to the multi-family and single-family detached units, are duplex and single-family detached units, a child care center, Goose Creek Trail, Trailhead Community Park, and transportation improvements to Route 569.

V. OUTSTANDING ISSUES

1. **Design** - The Applicant's proposed design change illustrates a unit that the zoning ordinance defines as a townhouse unit with the accompanying impacts of a townhouse unit rather than the lesser impacts of a multi-family unit.
2. **Capital Facilities Impact Contribution** – The County anticipates that current capital facilities contribution values will be applied to new rezoning applications where a change in dwelling unit type is proposed. The approved unit design for this landbay is 60 market rate multi-family units with a multi-family CIF contribution of \$8,986 per unit for a total of \$539,160 (ZMAP 2002-0009). That contribution in today's value would be \$12,089.66 per unit for a total of \$723,379.60 in accordance with the proffer. The proposed unit design for this landbay is for 60 market rate townhouse units with a SFA CIF contribution of \$40,385 per unit for a total of \$2,423,100 (ZCPA 2012-0003). The difference in the anticipated capital facilities contribution and the applicant's proposed contribution is a deficit of \$1,699,720.40 for the proposed new unit type. Therefore the proposal currently fails to mitigate its fiscal impacts in accord with County policy. The Applicant states the proposal is for a unit design change not a unit type change and anticipates the design change would not incur an updated capital facilities contribution value.
3. **Unmet Housing Needs** - The County encourages residential developments to include funding commitments to fulfill unmet housing needs, recognizing that the largest segment of unmet housing is for households with incomes below 30% of the Washington Metropolitan Area Median Income (AMI). Staff encourages the Applicant to proffer a cash contribution or to provide dwelling units that address the full spectrum of unmet housing needs from 0% to 100% of the AMI. The anticipated funding for the 60 market rate units would be \$1,875 per unit for a total of \$112,500. The Applicant's proposal does not address unmet housing needs.

VI. POLICY ANALYSIS

Criteria for Approval - Zoning Ordinance Section 6-1211(E) of the Revised 1993 Zoning Ordinance states that when considering a rezoning application, the Planning Commission shall give reasonable consideration to sixteen factors or criteria for approval. These criteria for approval are organized below by category, followed by Staff's analysis

A. LAND USE

ZO §6-1211(E)(1) Whether the proposed zoning district classification is consistent with the Comprehensive Plan. (2) Whether there are any changed or changing conditions in the area affected that make the proposed rezoning appropriate. (12) Whether the proposed rezoning considers the current and future requirements of the community as to land for various purposes as determined by population and economic studies. (15) The effect of the proposed rezoning to provide moderate housing by enhancing opportunities for all qualified residents of Loudoun County.

Analysis – There are three outstanding land use issues regarding consistency with the comprehensive plan. The issues are the unit type decision, the inadequate capital facilities contribution proffered by the Applicant, and the failure to address unmet housing needs.

UNIT TYPE /DESIGN

The proposal introduces a different residential product type to the project with a greater impact than anticipated in the original rezoning due to the design difference of the proposed units. The Applicant has proffered to provide elevations and lot layouts in Sheet 4 of the Concept Development Plan. Both the elevations and layouts include notes to suggest that the drawings are for illustrative purposes only and that changes are possible. However, the units depicted in the elevations meet the definition of townhouse units that share a common entry way and vestibule as opposed to having separate front doors as is typical of townhouse units. The proposed units are 2,000 square feet and are anticipated to have additional impacts to schools, libraries, recreation, and other public facilities. Further detail of unit type description is contained in the Zoning section of this Staff Report.

CAPITAL FACILITIES CONTRIBUTION

Under the Revised General Plan, all residential rezoning requests will be evaluated in accordance with the Capital Facility guidelines and policies of the Plan (Revised General Plan, Chapter 3, Proffer Policy 3). The Revised General Plan calls for capital facilities contributions valued at 100 percent of capital facility costs per dwelling unit at densities above the specified base density (Revised General Plan, Chapter 11, Capital Facilities Guideline 1).

The Applicant proposes to retain the Capital Intensity Factor (CIF) for multi-family units in effect at the time of approval for ZMAP 2002-0009, on July 6, 2004. The original proffers associated with ZMAP 2002-0009 specify an average capital facilities contribution for each market rate residential unit based on the specific mix of single-family and multi-family units approved in 2004.

The capital facilities contribution for the proposed single-family attached units has been calculated applying the current CIF adopted by the Board of Supervisors in 2009 and the units were assessed at \$40,385 per unit. The total projected capital facilities impact for the proposed development of 60 market rate single-family attached units is estimated to be \$2,423,100.

The proposed capital facilities contribution for multi-family units based on the 2004 CIF does not meet County policies. The proposed units introduce a different residential product design type than was considered in the original rezoning and increases the total number of townhouse units beyond those approved with the original rezoning. Staff recommends that the impacts on capital facilities be mitigated through applying the current Capital Intensity Factor for single-family attached units due to the anticipated increased impacts of the proposed 2,000 square foot townhouse style units.

UNMET HOUSING NEEDS

On September 18, 2007, the Board of Supervisors adopted revised housing policies that recognize that unmet housing needs occur across a broad segment of the County's income spectrum. Unmet housing needs are defined as the lack of housing options for households earning up to 100% of the Washington Metropolitan Area Median Income (AMI, \$107,500 effective December 13, 2011). Developers of residential projects are encouraged to include funding commitments to fulfill unmet housing needs, recognizing that the largest segment of unmet needs is housing for incomes below 30% AMI. Plan policies also encourage the development of housing for special needs populations (low income residents, elderly residents requiring congregate care, disabled residents and the homeless) as well as the application of universal design principles. The Applicant has not addressed unmet housing needs and should consider proffering cash contributions to be placed in an affordable housing fund to serve 0-100% AMI households. These funds will be used at the discretion of the Loudoun County Board of Supervisors to further affordable housing in Loudoun County.

The original rezoning application, ZMAP 2002-0009, was approved before the new housing policies were adopted. This application, ZCPA 2012-0003, seeks to change the original approval and therefore is subject all policies in place at the time of the current request, inclusive of the new housing policies. The Board has reviewed similar requests in recent applications (ZMAP 2011-0004, Cardine Torres) and supported application of the new housing policies.

Staff notes a cash contribution of \$1875 per market rate unit is appropriate to address the unmet housing needs. This calculation is based on an approach detailed in *Attachment 1H* from the Department of Family Services. In summary, the approach takes 6.25% of proposed market rate units and multiplies that number by a reasonable public subsidy which is considered to be approximately \$30,000 whereas \$90,000 is the average estimated cost to construct a multi-family affordable rental unit. This yields a total contribution amount. That amount is then divided by the total number of market rate units in the project to identify a per unit cash contribution.

60 market rate units X 6.25% = 3.75 (Applicant states 4 ADU's within Landbay IV)
3.75 X \$30,000 = \$112,500
\$112,500 ÷ 60 = \$1,875.00 per unit

Staff recommends the Applicant provide an unmet housing needs contribution of \$1,875 per market rate unit to address this concern.

The Applicant acknowledges Plan policies regarding unmet housing needs and, in the response letter of November 27, 2012, states that Article 7 of the Zoning Ordinance exempts applications that do not propose an increase in density or a change in unit type. Staff acknowledges there is no increase in density proposed, and the density has not been maximized within the proposal, the unit design and unit type have changed. The applicants reference to Article 7 is regarding Affordable Dwelling Unit requirements which

are distinct from policy recommendations for Unmet Housing Needs units. The change in unit design has resulted in a unit type that more closely resembles a single-family attached unit.

OPEN SPACE

The County's vision for the Suburban Policy Area is self-sustaining communities that offer a mix of residential, commercial, and employment use; a full complement of public services and facilities; amenities that support a high quality of life; and a design that conforms to the County's Green Infrastructure (Revised General Plan, Chapter 6, Land Use Pattern and Design Policy 1). The Revised General Plan designates the project area for Residential uses (Revised General Plan, Chapter 7, Planned Land Use Map). Residential Neighborhoods are to have a variety of housing types and lot sizes and are to be developed in accordance with design guidelines and performance standards for efficient site layout, a pedestrian-friendly scale, adequate open space (active, passive, and natural), and the protection and incorporation of the Green Infrastructure (Revised General Plan, Chapter 6, Residential Neighborhoods, text).

The existing rezoning for this property, ZMAP 2002-0009, provided for a variety of housing types: single-family detached, duplex, townhouse, and multi-family (town over town and 2 over 2) in a neotraditional setting. Some of these units are reverse frontage lots that face a common green instead of a street. Overall the design met the intent of the Revised General Plan's site design criteria with the incorporation of common areas, and focal points that include the proposed parade green with roundabout, clubhouse and day care facilities adjacent to the entrance road and was approved by the Board in 2003. The current proposal, ZCPA 2012-0003, proposes a change to one community green included within Landbay IV. The proposal would relocate the community green open space and reduce its size from approximately 24,500 square feet (sf) (0.56 acres) to approximately 12,800 sf (0.29 acres), a reduction of approximately 0.27 acres. The proposal would reduce the open space contained within Goose Creek Preserve from approximately 36.5 to 36.4 percent. However, the proposal would continue to offer a variety of housing types and lot sizes and would maintain more than 30 percent of the property as open space, in accordance with County policies. Staff has no issue with open space.

DESIGN

Residential Neighborhoods will exhibit the following design characteristics: compact site layout; pedestrian-scale streetscape; a predominantly interconnected street pattern with inter-parcel connections; a combination of neighborhood parks, squares, and greens located throughout the neighborhood within 1,500 feet of all residences; and a variety of lot sizes (Revised General Plan, Chapter 6, Residential Neighborhoods Policy 4). The functionality of the open space is important. Open space functions as the outdoor rooms of a community and plays a critical role in establishing community identity and facilitating social activities (Revised General Plan, Chapter 11, Residential Neighborhoods Design Guideline 1c).

The planned community green would be reduced in size to about 13,000 square feet. The location of the green within Landbay IV at the end of a block of single-family attached

units and accessible by crosswalks and sidewalks results in a green that would be within approximately 200 feet of the furthest proposed multi-family units within the project site and would be able to serve other surrounding residences within Goose Creek Preserve. Therefore the community green would help establish a community identity for Goose Creek Preserve and facilitate social activities. Staff has no issue with the reduction in size of the community green as the purpose of an outdoor room to facilitate social activities has been achieved with the revised design.

AFFORDABLE DWELLING UNITS

County policies promote the interspersion of affordable housing within neighborhoods, within communities, and throughout the County as part of new development (Revised General Plan, Chapter 2, Legislation Policy 3).

Note 23 on Sheet 1 of ZMAP 2012-0003 states that Affordable Dwelling Units (ADUs) will be provided on-site as required under the Revised 1993 Zoning Ordinance and that Article 7 standards shall apply to the entire development, and notes that no additional Affordable Dwelling Units are offered as the proposal does not result in an increase in the total number of units. Staff recommended that ADU's be interspersed throughout the project site. The Applicant has interspersed ADU's throughout the development and anticipates 4 ADU's will be located within Landbay IV. Staff has no issue with ADU quantity or dispersion.

B. COMPATIBILITY

ZO §6-1211(E) (3) *Whether the range of uses in the proposed zoning district classification is compatible with the uses permitted on other Property in the immediate vicinity. (13) Whether the proposed rezoning encourages the conservation of properties and their values and the encouragement of the most appropriate use of land throughout the County.*

Analysis – There are no outstanding compatibility issues. The property is currently surrounded by a number of established, and under construction, residential communities of various housing types to the north, south and east. The communities of Goose Creek Village North and South, Ashburn Farms and Belmont Glen Village are similar residential communities of varying housing types and include retail and business within the community. Staff maintains that single-family attached or multi-family units are appropriate and compatible with this location based on the surrounding land uses.

C. ENVIRONMENTAL

ZO §6-1211(E) (5) *The effect of the proposed rezoning on the County's ground water supply. (6) The effect of the uses allowed by the proposed rezoning on the structural capacity of the soils. (9) The effect of the proposed rezoning on the environment or natural features, wildlife habitat, vegetation, water quality and air quality. (16) The effect of the rezoning on natural, scenic, archaeological, or historic features of significant importance.*

Analysis – There are no outstanding environmental issues. The proposed rezoning design and unit change would not increase the density and would be located within a previously planned residential landbay which is located to the east of the significant environmental features of the project. The minor changes to open space would result in a

reduction of the community green within the landbay from 24,500 square feet (0.56 acres) to 12,800 square feet (approximately 0.29 acres). While the open space contained within Goose Creek Preserve would be reduced from 36.5 to 36.4 percent, Goose Creek Preserve would continue to maintain more than 30 percent of the property as open space.

D. TRANSPORTATION

ZO §6-1211(E) (7) *The impact that the uses permitted if the Property were rezoned will have upon the volume of vehicular and pedestrian traffic and traffic safety in the vicinity and whether the proposed rezoning uses sufficient measures to mitigate the impact of through construction traffic on existing neighborhoods and school areas.*

Analysis – There are no outstanding transportation issues. The Applicant submitted a traffic letter, dated January 3, 2012, that assumed the change from 64 multi-family units to 64 single-family attached units would have no impact upon the previously approved Traffic Impact Study. That study, completed by Wells & Associates, LLC and dated March 28, 2002, assumed the higher trip generation rate associated with single-family attached units for all the planned units of the initial rezoning. Therefore the proposed change in unit type would result in a negligible change during both the peak hours and daily trips and remain within the parameters of the previously approved study.

E. ECONOMIC DEVELOPMENT

ZO §6-1211(E) (10) *Whether the proposed rezoning encourages economic development activities in areas designated by the Comprehensive Plan and provides desirable employment and enlarges the tax base. (11) Whether the proposed rezoning considers the needs of agriculture, industry, and businesses in future growth. (14) Whether the proposed rezoning considers trends of growth or changes, employment, and economic factors, the need for housing, probable future economic and population growth of the County and the capacity of existing and/or planned public facilities and infrastructure.*

Analysis – The application does not include a Fiscal Impact Analysis, and such a study is not required with this type of application. The Revised General Plan supports the proposed land use at the subject location. The Applicant's Statement of Justification indicates that the project would provide an alternative of an entry level or move down housing offering for residents. The proposed rezoning considers the trends of residential growth and housing product variety and would provide for this alternative within the Goose Creek Preserve community in addition to alternative housing options of single-family detached and duplex options. However, the Applicant's capital facilities contribution does not adequately mitigate the development's impacts. The Applicant has previously addressed the remaining economic development concerns during the ZMAP 2002-0009 rezoning process. The Goose Creek Preserve community will include a daycare and clubhouse within the community.

F. UTILITIES

ZO §6-1211(E) (4) *Whether adequate utility, sewer and water, transportation, school and other facilities exist or can be provided to serve the uses that would be permitted on the Property if it were rezoned.*

Analysis – There is one concern regarding the design change from multi-family to larger units that have the impacts of single-family attached units and which would result in a school impact. It is anticipated nearly twice as many school age children would require services. The 64 units would result in an additional 16 children for a total of 34 students. Approximately 17 students (8 elementary, 4 middle school, and 4 high school) would be generated by this rezoning. To address this impact the Applicant would need to proffer a capital facilities contribution at the single-family attached contribution level. Currently, the Goose Creek Preserve site is served by Creighton's Corner Elementary School, Stone Hill Middle School and Briar Woods High School. According to the most recent enrollment figures obtained from the school board planning office (September 2011), Creighton's Corner Elementary School exceeds its program capacity of 875, and with the addition of the students generated by this application, anticipates 1045 students. Stone Hill Middle School and Briar Woods High School could accommodate the projected students.

The Applicant would continue to connect to existing Loudoun Water central water and sanitary sewer by extension of existing facilities along the Route 659 frontage.

VII. ZONING ANALYSIS

Analysis – The outstanding Zoning issue is that of the proposed unit type. Subsequent to the Public Hearing the Applicant is now proffering a revised CDP with a design (*Sheet 4 of the plat in Attachment 6*) illustrating a two bedroom within a three story townhouse style SFA unit. Please note first: per Section 6-401(C) of the Zoning Ordinance, the Zoning Administrator is vested with the interpretation authority for uses set forth in the Zoning Ordinance and, to Staff's knowledge, no zoning determination has been sought by the Applicant as to whether the proposed units would be considered townhouse (single-family attached) or multi-family dwellings. Planning Staff evaluation of the proposal does not consider the number of bedrooms and size of the unit but considers the physical layout of this grouping of the units by definition within the Revised 1993 Zoning Ordinance. The number of bedrooms is not proposed to be increased; however, in Staff's opinion, the proposed unit type has changed from a MF to SFA townhouse unit.

Staff notes that the Revised 1993 Zoning Ordinance does not define a multifamily or townhouse unit by the number of bedrooms, but does define the dwelling units as follows:

Dwelling, Multi-Family: A building containing five or more dwelling units not having a separate lot.

Dwelling, Single-Family Attached: A duplex, triplex, quadruplex, or townhouse dwelling unit.

- *Duplex is defined as "One of two buildings... with each building having a separate lot";*
- *Triplex is defined as "One of three (3) buildings... with each building having a separate lot";*
- *Quadruplex is defined as "One of Four (4) buildings... with each building having a separate lot".*

Dwelling, Townhouse: One of a group of three or more attached single-family dwelling units, separated from each other by continuous vertical party walls without openings for

human passage or visibility from basement floor to roof, with no dwelling unit directly above another, and each unit having separate entrances from the outside.

The Zoning Ordinance defines duplex, triplex, and quadruplex as “*buildings*” “with each building having a separate lot”; whereas townhouse is defined as a “unit” as opposed to a ‘building” and the definition does not require each unit to have a separate lot (see *definition above*).

The Applicant asserted that, per the definitions of the Zoning Ordinance, if one purchases the land, the unit type is a townhouse, and if one does not purchase the land the unit type is a multi-family. Staff disagrees, noting the definition of townhouse specifically does not require each unit to have its own separate lot as explained above.

The Applicant asserts that, while the revised design incorporates townhouse elements, it continues to be a multi-family product because (a) at least 2 units share an entrance to the outside; (b) 5 units are located on one parcel; and (c) a portion of one unit has a vertical overlap with an adjoining unit.

However, the proposed design meets the definition of a SFA Dwelling, Townhouse, as set forth in the Zoning Ordinance and in accordance with a previous interpretation (ZCOR 2010-0148, July 27, 2010) by the Zoning Administrator. In the revised design each dwelling unit is:

- *One of a group of three or more attached single-family dwelling units,*
- *Separated from another unit or units by a continuous vertical party wall without openings for human passage or visibility from basement floor to roof,*
- *With no dwelling unit directly above another (the proposed minimal overlap does not constitute a “dwelling unit directly above another”), and*
- *Each unit has one or more separate entrances from the outside.*

While the Applicant’s design adds a shared vestibule at the front entry of the paired units, separate entrances remain at the rear of each unit, including individual garage door entrances. One shared entrance does not make the proposal multifamily dwellings.

ZONING MODIFICATIONS

ZO §6-1504. *No modification shall be approved unless the Board of Supervisors finds that such modification to the regulations will achieve an innovative design, improve upon the existing regulations, or otherwise exceed the public purpose of the existing regulation. No modification will be granted for the primary purpose of achieving the maximum density on a site.*

The Applicant is requesting modifications of Zoning Ordinance (ZO) sections as follows:

Table 1: Requested Modifications	
Zoning Ordinance Section	Requested Modification
ZO § 4-110(I)(2) Site Planning Internal Relationships	To eliminate the 50 foot Type 2 buffer requirement between internal multi-family and residential landbays.
ZO §7-803(C)(3)(a) Yards, Front	To reduce the minimum front yard from 20 feet to 10 feet.

Applicant's Justification:

The Revised General Plan recommends that residential developments employ conservation design techniques in order to preserve greater amounts of open space and significant environmental features of the site. The development plan for Goose Creek Preserve evolved based largely on the site's Green Infrastructure characteristics, and the project has protected many of the site's significant environmental features. Modifications of the various access, yard, lot, and buffer requirements were provided with the approval of ZMAP 2002-0009 in order to develop the Property in a neotraditional design while utilizing Conservation Design techniques. The above-listed modifications have been requested to ensure the ZCPA 2012-0003 will complement and continue the approved neotraditional design. The modifications will not result in an increase to the overall density of the project. The density remains 2.9 units per acre (3.1 per acre including ADUs) instead of the 4.0 units per acre permitted by the Revised General Plan policies. Since it is not possible to implement the County's innovative conservation and traditional design policies without modifications of the existing Zoning Ordinance requirements, the above-listed modifications are requested.

Staff Analysis and Recommendation:

Staff supports the proposed modifications as they were originally approved with the rezoning, ZMAP 2002-0009, to implement both the neotraditional design approach and conservation design policies. The modification requests with this application are to ensure the approvals carry forward for Landbay IV with the ZCPA 2012-0003. Staff is satisfied these modifications exceed the public purpose in ensuring the design plan for unified neotraditional development throughout the community continues in Landbay IV.

VIII. ATTACHMENTS		
Attachment		Page
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4	Applicant's Response to Referral Comments	A-72
5	Applicant's Proffer Statement (January 2013)	A-89
6	Plat (11-06-12)	Follows A-93
*This Staff Report with attachments (file name BOSPH STAFF REPORT 4-10-13.PDF) can be viewed online on the Loudoun Online Land Applications System (LOLA) at www.loudoun.gov . Paper copies are also available in the Department of Planning.		